

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION

<p>SHAN HUBSMITH,</p> <p style="text-align: center;">Plaintiff,</p> <p>v.</p> <p>SECURIAN LIFE INSURANCE COMPANY and SECURIAN FINANCIAL SERVICES, INC.,</p> <p style="text-align: center;">Defendants.</p>	<p>MEMORANDUM DECISION AND ORDER DENYING MOTION FOR RELIEF FROM JUDGMENT</p> <p>Case No. 2:25-cv-00423-TC</p> <p>Judge Tena Campbell</p>
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Before the court is a motion for relief from judgment under Rule 60(b) of the Federal Rules of Civil Procedure filed by Plaintiff Shan Hubsmith. (ECF No. 9.) The court previously dismissed this action after granting the Defendants’ motion to dismiss. (See Mem. Decision & Order, July 8, 2025, ECF No. 7; Judgment, ECF No. 8.) In their motion, the Defendants argued that Mr. Hubsmith failed to state a claim upon which relief could be granted because his claims were preempted by the Employee Retirement Income Security Act (ERISA), 29 U.S.C. §§ 1001 et seq. (Mot. Dismiss, ECF No. 6.) The Defendants’ motion was unopposed because Mr. Hubsmith did not file an opposition within the time allotted by the local rules. See DuCivR 7-1(a)(4)(A)(iii).

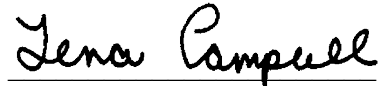
Mr. Hubsmith argues that he did not respond to the Defendants’ motion to dismiss due to a “calendar error” and because the parties were engaged in settlement negotiations. (ECF No. 9 at 2.) Setting aside whether these reasons constitute excusable neglect, the court notes that Mr. Hubsmith has only addressed his failure to respond to the Defendants’ motion and not the

merits of that motion or of the court's order. Specifically, Mr. Hubsmith has not provided any authority or argument to suggest that his claims are not preempted by ERISA.

Accordingly, the court finds no reason to reconsider or set aside its previous judgment. Mr. Hubsmith's motion for relief under Rule 60(b) is therefore DENIED.

SO ORDERED this 8th day of August, 2025.

BY THE COURT:

A handwritten signature in black ink that reads "Tena Campbell". The signature is written in a cursive, flowing style. The first name "Tena" is written above the last name "Campbell", which is underlined.

Tena Campbell
United States District Judge